REMARKS

Claims 1-2, 4-22, 33-34, and 36-60 are currently pending in the Application. Claims 1, 9, 14, 20, 22, 33, 41, 45-46, 48-49, 53-56, and 60-64 are currently amended to expedite and advance the prosecution of the instant Application and also to make some clerical changes, without acquiescence in the cited basis for rejection or prejudice to pursue the original claims in a related application. No new matter has been added.

I.   Withdrawal of Objections to the Claims

Applicants first wish to thank the Examiner for withdrawing the objections to the claims.

II.   Rejections of the Claims under 35 U.S.C. § 112, Second Paragraph

Claim 41 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly containing informalities. More specifically, the Office action purports that the claimed limitation of "the software simulation model" in ll. 15-16 allegedly lacks sufficient antecedent basis.

Applicants respectfully submit that claim 41 is currently amended to recite "generating a software simulation model . . .", and that the current amendment to claim 41 is believed to have overcome the rejection. Applicants thus respectfully request withdrawal of the rejection and reconsideration of claim 41.

II.   Rejections of the Claims under 35 U.S.C. § 112, First Paragraph

Claims 1, 33, 41, and 55 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. More specifically, the Office action generally purports that the specification "does not appear to support .disassembling a binary code into a simulation model". Applicants respectfully disagree.

Applicants respectfully submit that claim 1 recites "generating a software simulation model . . . by disassembling a binary code and by annotating the software simulation model . . ." and does not recite the alleged "disassembling a binary code into a simulation model". Claims 33, 41, and 55 also recite similar limitations but never recite "disassembling a binary code into a software simulation model."

In addition, Applicants respectfully submit that the claimed language of "generating a software simulation model . . . by disassembling a binary code" does not preclude the possibility that the act of generating the software simulation model comprises one or more other actions.

Therefore, Applicants respectfully submit that the specification provides clear support for the above claimed limitations in question as Applicants previously presented in the request for continued examination that was previously filed in April, 2009 because the specification clearly teaches that the act of generating a simulation model (which constitutes the limitation of "the software simulation model" in some embodiments) comprises the act of disassembling a binary code. Please see at least ¶¶ [0012] and [0030]-[0031].

Therefore, Applicants respectfully submit that the rejections of claims 1, 33, 41, and 55 under of 35 U.S.C. § 112, first paragraph, is believed to be improper.

Nonetheless, in order to expedite and advance the prosecution of the instant Application, Applicants respectfully submit that claim 1, 33, 41, and 55 are currently amended to delete the limitations of "by disassembling a binary code", without acquiescence in the cited basis for rejection or prejudice to pursue these claims in a related application. Applicants thus respectfully submit that the amendment to the claims is believed to have rendered the rejection moot, and that all claims are believed to be allowable.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Applicant(s) hereby explicitly retracts and rescinds any and all of the arguments and disclaimers presented to distinguish the prior art of record during the prosecution of all parent and related application(s)/patent(s), and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number 7012162001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number 7012162001.

Respectfully submitted,

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